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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/669,800	09/25/2003	Hiroyuki Kato	A-9925	5437

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MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

EXAMINER

KYLE, MICHAEL J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/669,800

Applicant(s)

KATO, HIROYUKI

Examiner

~~Michael J. Kyle~~ *Michael J. Kyle*

Art Unit

~~3676~~ *3677*

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,13 and 14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,13 and 14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ueno (U.S. Patent No. 5,846,040). Ueno discloses a pin (10) with a head (11) and a shank (12). The shank extends longitudinally from the head (11), and the head extends laterally from the shank (12) to an outer periphery of the head. Ueno also discloses a bushing (20), and water-tight seal (13), and a stop (t). The bushing (20) includes a flange (21) and a shank (22), where the flange extends laterally from the shank to an outer periphery of the flange, and the shank (22) extends longitudinally from the flange. The bushing also includes a through-hole (24). The water-tight seal member (13) is on the pin shank (12) adjacent the head (11). The stop (t) is formed on the outer periphery of the pin head (11). From figure 7 of Ueno it appears that stop (t) is flush with the outer periphery, and extends downward therefrom. Examiner considers this configuration to be formed on the outer periphery. The stop (t) is capable of serving the function of keeping a predetermined compressed thickness of the seal member.

3. With respect to claims 2-4, Ueno discloses the pin head (11) to be a plate with circular portions and have a smaller diameter than diameter of the bushing flange (see Ueno's figures 1 and 2). The stop (t) extends outward from the circular portions. An outer wall (walls bounding the recess shown in figure 1, where the recess is formed on the top surface of 20) is formed at the

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outer periphery of the bushing flange and is disposed to engage the stop plate portions (t). The height of the outer wall is predetermined to provide predetermined compressed thickness of the seal member. The flange includes a recess (bounded by 21) surrounded by the outer wall member for receiving the seal member (13, best shown in figure 5). The recess is formed on the top surface of the flange 21). Ueno further discloses gaps (see figure 1) formed between the outer periphery of the pin head and the outer wall of the bushing flange for inserting a tool for separating the pin head from the flange. Figure 3 also shows the feature of the gaps from an overhead plan view.

4. With respect to claims 5-7, Ueno discloses the pin shank (12) and bushing shank (22) have cooperable parts that cause the bushing shank to expand outwardly (figure 5) at an expanded-diameter-connection position when the pin shank is inserted substantially completely into the bushing shank for connecting a member (P-2) and a body (P-1) having aligned holes (H-2, H-1), respectively) through which the shanks are inserted. Ueno further shows the pin shank (12) and bushing shank (22) to have cooperable parts that connect the shanks in a non-expanded-diameter-connection position in which the bushing is not expanded when the pin shank is inserted partially into the bushing shank (see figure 2). Ueno further discloses a second seal member (23) on the bushing shank (22) that provides a water-tight seal between the flange and a panel member. The flange has a recess (see figure 5) that receives second seal member (23) and has an outer wall (shown in figure 5) to engage panel member (P2, column 6, lines 44-51).

Claim Rejections - 35 USC § 103

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5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 14, 9, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Akema et al (“Akema”, U.S. Patent No. 6,514,024) in view of Ueno. With respect to claim 14, Akema discloses a bushing (9) having a flange (13) and a shank (14), with a through-hole extending through the flange and shank. Akema also discloses a pin (7) having a head (10) and a shank (11). The flange of the bushing, and the head of the pin, each has an outer periphery. The shanks (11, 14) have cooperable parts (35, 19, see figures 10-12), for expanding the bushing shank when the pin is inserted substantially completely in the bushing shank to an expanded position. Additionally, the bushing shank includes a pawl (33) extending inwardly of the bushing shank, and the pin has a groove (groove above 17 in figure 10) for receiving the at least one pawl to hold the pin shank in the bushing at a non-expanded position, and another groove (above 23 in figure 11) that receives that pawl (33) at the expanded position, where the pawl is substantially free of pressure from the pin shank. Examiner notes that the pawl is substantially free from pressure in this groove, relative the pressure from the pin shank when the pawl is out of this groove. Akema fails to disclose a seal member between the pin head and the bushing flange, and also fails to disclose a stop.

7. Ueno teaches a similar clip with a pin and bushing, and further teaches a seal (13) between the pin head and the flange, where the bushing flange includes a recess (see figures 1 and 5) for receiving the seal member (13) therein. Ueno further teaches a stop (t) provided on

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the pin head that limits movement of the pin head toward the bushing flange. The stop (t) includes outer peripheral portions of the pin head. It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Akema as taught by Ueno to include the seal, recess, and stop structure of Ueno, in order to obtain a water-tight seal (column 2, lines 14-17 and 55-56). Further, one would have been motivated to make such a combination because water-tight seals are desired in the automotive field to prevent rusting, and thus a product with a large market would have been obtained, as taught/suggested by Ueno in column 1, lines 12-17, and the structure with the stops and recesses would further result in an enhanced appearance grommet with no bulging seal when the pin and bushing are fully engaged, as further discussed by Ueno in column 6, lines 44-51.

8. With respect to claim 9, Akema discloses the bushing shank to be divided longitudinally (best seen in figures 8-9) and the cooperating parts include internal ribs on the bushing shank (35, best seen in figures 10-12) and a groove on the pin shank that receives the ribs (groove 19, figures 11-12).

9. With respect to claim 13, Ueno further teaches a second seal member (23) on the bushing shank (22, best seen in figure 5) adjacent to the flange in a second recess in which the second seal member is received and that has a wall for engaging the panel member (P-2, column 6, lines 44-51).

Response to Arguments

10. Applicant's arguments filed September 29, 2004, have been fully considered but they are not persuasive.

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11. Applicant argues that the new limitations in claim 1 and 14 regarding a stop being formed on at least the outer periphery of the pin head or the outer periphery of the flange clearly overcomes the prior art. Examiner respectfully disagrees. As mentioned in the body of the rejection above, examiner now considers the projection (t) to be the “stop” in Ueno. The stop (t) is along the periphery of the pin head and extends out in a direction therefrom.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

13. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Kyle whose telephone number is 703-305-3614. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.


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15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk

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